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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,074	11/15/2001	Charles D. Cranor	2001-0453	7612

7590

10/05/2004

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EXAMINER

EL HADY, NABIL M

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,074

Applicant(s)

CRANOR ET AL.

Examiner

Nabil M El-Hady

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[Handwritten signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-15 are pending in this application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-15 are rejected under 35 U.S.C. 102 (b) as being anticipated by Leighton et al. (US 6,108,703), hereafter "Leighton".
4. Leighton et al. is cited by the applicant in IDS paper No. 4 filed 1/16/2002.
5. As to claim 1, Leighton discloses the invention as claimed including a method of associating clients with domain name system servers comprising the steps of: receiving a domain name system query from a domain name system server requesting resolution of a calibrating domain name (col. 10, lines 1-2); identifying a client based on the calibrating domain name (col. 10, lines 2-5); associating the client with the domain name system server (col. 10, lines 7-10).
6. As to claims 7 and 12, the claims are rejected for the same reasons as claim 1 above. In addition, Leighton discloses the invention as claimed including a method of associating clients with domain name system servers comprising the steps of: receiving a data request from a client with a network address (col. 9, lines 22-23); encoding the client's network address in a calibrating domain name (col. 9, lines 62-64); redirecting the client to the calibrating domain name, whereby the calibrating domain name can be utilized to associate the client with a

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domain name system server when a domain name system query is issued by the client (col. 10, lines 13-18).

7. As to claim 2, Leighton discloses the client is identified by retrieving a network address encoded in the calibrating domain name (col. 9, lines 62-64).

8. As to claims 3 and 8, Leighton discloses the calibrating domain name points to a dummy object (inherent in col. 7, line 59 to col. 8, line 12).

9. As to claims 4, 9, and 13, Leighton discloses the network address is encoded in the calibrating domain name by a redirector (inherent in col. 10, lines 13-17).

10. As to claims 5, 10, and 14, Leighton discloses the client is associated with the domain name system server by associating the network address of the client with the network address of the domain name system server (col. 9, lines 62-64; and col. 10, lines 7-10).

11. As to claims 6, 11, and 15, Leighton discloses the network addresses are Internet Protocol addresses and wherein the domain name system server is a DNS server (inherent in col. 3, lines 17-36)

12. Applicant's arguments filed 6/28/2004 have been fully considered but they are not persuasive. Therefore rejection of claims 1-15 is maintained.

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13. In the remarks, applicants argued in substance that (1), Leighton fails to disclose associating clients with domain name system by using a calibrating domain name and/or a calibrating network address, (2), Leighton is completely devoid of any teachings where a calibrating address is dedicated for the purpose of associating the client that sends the data request with the client's DNS server. Examiner respectfully traverses applicants' remarks.

14. As to point (1), Leighton clearly discloses associating clients with domain name system by using a calibrating domain name and/or a calibrating network address (col. 3, lines 24-36), where the top-level DNS server determines the user's location in the network to identify a low-level DNS server to respond to the client request, the user's location or IP address is directly encoded into the request sent to the top-level DNS (col. 9, lines 62-64).

15. As to point (2), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., calibrating address is dedicated for the purpose of associating the client that sends the data request with the client's DNS server) are not recited in the rejected claim(s). Examiner also notes that the core of applicant's remarks is devoted to explaining the novel concept of applicant invention through detailing of the embodiments of the invention. While Figs. 2, 4, 6, and 7 present most of these details, the limitations of these details are not included in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (703) 308-7990. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "N. El-Hady". The signature is fluid and cursive, with a long, sweeping underline that extends downwards and to the right.

September 28, 2004

Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
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